

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

OLGA L. GALLEGOS,

Defendant.

ORDER

11-cr-71-wmc-1

A hearing on the probation office's petition for judicial review of Olga L. Gallegos' probation was held on May 21, 2013, before U.S. District Judge William M. Conley. The government appeared by Assistant U.S. Attorney Peter M. Jarosz. Defendant was present in person and by counsel, Jeff Nichols. Also present was U.S. Probation Officer Shawn P. Robinson.

FACTS

From the record, I make the following findings of fact.

Defendant was sentenced in the Western District of Wisconsin on October 3, 2011, following her conviction for making false statements related to the purchase of a firearm in violation of 18 U.S.C. §§ 924(a)(1)(A) & 2. This offense is a Class D felony. Defendant was placed on probation for three years.

Defendant violated Standard Condition No. 2 requiring her to submit a truthful and complete written report within the first five days of each month when she failed to submit monthly supervision reports for January, February, March, June, July, August, October, and November 2012; and for January, February, and March 2013.

Defendant violated Standard Condition No. 6 requiring her to notify the probation officer at least ten days prior to any change in residence or employment when on March 27, 2013, she was residing at 2133 Losey Boulevard in La Crosse, Wisconsin, and failed to report this residence to her supervising U.S. probation officer.

Defendant violated Standard Condition No. 4 requiring her to participate in substance abuse treatment when she failed to report for scheduled substance abuse appointments on March 6, May 29, June 5, July 17, August 14, and September 4, 2012; and on January 9, January 29, February 12, and March 12, 2013.

Defendant's conduct falls into the category of a Grade C violation. Section 7B1.3(a)(2) of the advisory guidelines provides that the court may revoke probation, extend the term of probation, or modify the conditions of probation upon a finding of a Grade C violation. In this case, however, I do not believe that any of these actions are necessary.

CONCLUSIONS

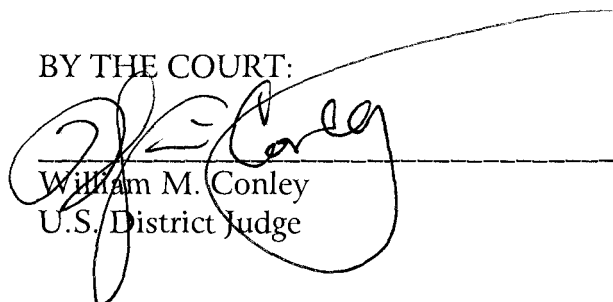
Although defendant's violations show a disregard for her conditions of probation, they do not warrant revocation.

ORDER

IT IS ORDERED that defendant is to continue on probation until expiration of the term of probation and is to comply with all the conditions of probation.

Entered this 21st day of May 2013.

BY THE COURT:


William M. Conley
U.S. District Judge